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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,469	09/16/2003	Jan-Erik Ekberg	4208-4149	9618
27123	7590	06/24/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			BLOUNT, STEVEN	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,469

Applicant(s)

EKBERG ET AL.

Examiner

Steven Blount

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The previous rejections are withdrawn in view of the new grounds of rejection below.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 4, 6, 8 – 11, 13, 15, 16, 18 – 22, 24 – 27, and 29 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application 20020188657 to Traversat in view of U.S. Patent Application 20030061364 to Banerjee et al.

With regard to claim 1, Traversat et al teaches a Peer to Peer system with a memory (par 248 and 482); a processor (par 72); wherein the process of inquiring into and receiving a response from a nearby wireless device is mentioned with respect to the discover service discussed on page 7, paragraph 89. An application is selected from a list of applications : see paragraph 88 and more particularly paragraph 96. Finally, with respect to the control parameter examined which is associated with the selected application, see par 89 line 4 and paragraph 86 generally, and also see the discussion of UUID's in paragraphs 75 and 96. Traversat et al does not, however, explicitly teach the discover service to comprise sending inquiry messages and receiving a response.

Banerjee et al teach the above missing limitation in figure 3B, steps 322 and 324. See also paragraph 34, and also note that Banerjee additionally teaches, like Traversat, listing the applications to be chosen from in paragraph 36.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have had the discovery process of Traversat et al utilize sending inquiry messages and receiving a response, in light of the teachings of Banerjee, in order to provide an effective means for a device to join the ad-hoc network.

With regard to claim 2, see paragraph 89 of Traversat et al for a discussion of the services offered.

With regard to claim 3, see paragraph 88 of Traversat et al (community applications), see also par 96 where "other services" may be accessed locally.

With regard to claim 4, see par 87 – 88 of Traversat et al for the matching applications, and also page 8 lines 4+ of Traversat et al for a discussion of the connections being formed and the application being launched. The examiner takes Official Notice that it is well known in the art to receive accept connections messages after a connection is formed.

With regard to claim 6, see the discussion of the services associated with the applications in paragraph 88 of Traversat et al.

With regard to claims 8 – 11 and 13, see the rejections above where all of the method steps are addressed in the rejection of the apparatus limitations.

With regard to claims 15 – 16, and 18, see the rejections above and note that it would be obvious to implement the process in computer software in order to insure its repeatability.

With regard to claims 19 – 22, see the rejections above where all of the apparatus limitations are discussed.

With regard to claims 24 – 27, again see the discussion of the rejection of the method claims above.

With regard to claims 29 – 30, see the rejections above and note that it would be obvious to implement the process in computer software in order to insure its repeatability.

4. Claims 5, 12, 17, 23, 28, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application 20020188657 to Traversat in view of U.S. Patent Application 20030061364 to Banerjee et al as applied above to claims 1 – 4, 6, 8 – 11, 13, 15, 16, 18 – 22, 24 – 27, and 29 – 30, and further in view of U.S. patent 6,757,713 to Ogilvie et al.

Traversat/Banerjee et al teach the invention as described above, but do not teach erasing the program when finished. This is taught in Banerjee. Note the use of the “self-removing message.”

It would have been obvious to one of ordinary skill in the art at the time of the invention to have automatically erased the application program when finished in light of the teachings of Ogilvie et al in order to save on memory space.

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5. Claims 7, 14, and 32 – 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application 20020188657 to Traversat in view of U.S. Patent Application 20030061364 to Banerjee et al as applied above to claims 1 – 4, 6, 8 – 11, 13, 15, 16, 18 – 22, 24 – 27, and 29 – 30, and further in view of U.S. Patent Application 20020129170 to Moore et al.

With regard to claims 7 and 14, Traversat/Banerjee et al teach the invention as described above, but do not teach prioritizing the entries prior to selection of the application. This is taught in Moore et al. See paragraph 37.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have prioritized the application list of Traversat/Banerjee et al in light of the teachings of Moore et al in order to provide an efficient means for the corresponding peer device to be able to select the most desirable application.

With regard to claims 32 – 47, see the rejections above where all of the limitations are discussed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Blount whose telephone number is 571 - 272 - 3071. The examiner can normally be reached on M-F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Chau Nguyen, can be reached on 571 – 272 - 3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ajit Patel
Primary Examiner

SB



6/16/05